

The 24th October, 1967

No. 7132-2-PW-II-67/25097.—In exercise of the powers conferred by sub-section (2) of section 5 of the Electricity (Supply) Act, 1948 (LIV of 1948) read with rule 3 of the Punjab State Electricity Board Rules, 1959, the Governor

of Haryana is pleased to appoint the Director of Industries Haryana, as ex-officio member of Haryana State Electricity Board with immediate effect, for a period of two years.

SECRETARY

IRRIGATION BRANCH

The 26th October, 1967

No. 12035/E-Gazt/67.—The following Temporary Engineers, of P.W.D. Irrigation Branch, Haryana, relinquished charge of their posts from the Circle, and dates shown against their names, on acceptance of their resignation :—

Serial No.	Name of Temporary Engineers	Circle to which attached	Date of relinquishing charge
1	Shri S.P. Jain	Yamuna Barrage Circle, Delhi	12th April, 1967 (A.N.)
2	Shri Harish Chander	Bhakra and Beas Design Organisation, New Delhi	24th May, 1967 (A.N.)

BHISHWAR CHANDRA, SECY.

PLANNING DEPARTMENT

The 13th/16th October, 1967

No. 38(3)-Pg.(H)-67/24343. The Governor of Haryana is pleased to constitute the State Advisory Committee for the planning Department as under :—

- (i) Chairman : Planning Minister
- (ii) Vice-Chairman : State Minister for Planning
- (iii) Members : (a) Non-officials—

1. Shri Mangal Sein, MLA, Rohtak
2. Shri Dalip Singh, MLA, Rohtak
3. Shri Bhagwan Dev Prabhakar, MLA, Rohtak
4. Shri Fateh Chand Vij, MLA, Rohtak
5. Shri Partap Singh Thakran, MLA, Rohtak
6. Shri Faqir Chand Aggarwal, MLA, Rohtak
7. Shrimati Om Prabha Jain, MLA, Rohtak

- (b) Officials—
- Commissioner for Planning and Finance

2. The Committee will meet quarterly under the chairmanship of the Minister-in-charge of the department and in his absence that of the State Minister for Planning. Three members present shall form the quorum of the meeting. The functions of the committee will be to advise the Minister-in-charge on matters of general policy and on specific programmes relating to the Planning department. In respect of any matter intended to be discussed in a meeting, notice should be given to the Commissioner for Planning and Finance at least three weeks before the date of the meeting.

3. The term of appointment of non-official members will be until such time as the present Haryana Vidhan Sabha is dissolved or until the member resigns from the Haryana Vidhan Sabha or upto 15th October, 1969, whichever is earlier. Government may, however, by express order reconstitute the Committee earlier.

4. The headquarters of the Committee will be at Chandigarh.

5. The members of the Committee will receive Travelling allowance and daily/halting allowance as under :—

(a) The legislators in their *ex-officio* capacity under the Punjab Legislative Assembly (Allowance of members) Act, 1942 and the Rules made thereunder, as in force at present or may be amended hereafter ;

(b) Travelling allowance to the non-official members will be allowed from permanent places of residence of the members of the Committee to the place of meeting. If, however, the member attends a meeting from the place other than the place of his permanent residence travelling allowance will be allowed to him either from the place of his residence or from the place where he attends the meeting whichever is less.

6. The Secretary, Haryana Vidhan Sabha will be controlling officer for the purpose of countersigning the travelling allowance and halting allowance bills of the MLAs on the Committee.

7. The expenditure involved shall be debited against the budget grant under the head "19-General Administration-C" Secretariat and attached offices (i) Civil Secretariat-Travelling Allowance".

B. S. MANCHANDA,

Commissioner for Planning and Finance and Secretary to Government, Haryana Planning and Finance Departments.

TOWN AND COUNTRY PLANNING DEPARTMENT

The 10th October, 1967

No. 5728-IDP-67/4150. The Governor of Haryana is pleased to constitute the State Advisory Committee for the Town and Country Planning Department and to appoint the following to be its members :—

- (1) Ch. Ram Lal, M.L.A., Karnal.
- (2) Rao Jaswant Singh, M.L.A., village Saharang-was, district Gurgaon.

- (3) Shri Mool Chand Mangla, Municipal Commissioner, Chemist and Druggist, Palwal (Gurgaon).
- (4) Shri Kanhiya Lal, M.L.A., Mohalla Tejpur, Bassanghai, tehsil Rawari, district Gurgaon.
- (5) Ch Partap Singh Thakran, M.L.A., Gurgaon
- (6) Shri Banwari Lal Chhakkar, M.L.A., Narnaul.
- (7) Shri Ram Kishan, M.L.A., district Karnal

The Director, Town and Country Planning, Haryana, will act as convener and Non-member Secretary of the Committee

2. The Committee will meet quarterly under the Chairmanship of the Minister-in-charge and in his absence the Minister of State/Deputy Minister concerned. In case neither of them is present one of the non-officials present at the meeting will preside over it as may be mutually agreed upon by the Members present.

3. Three members present shall form a quorum for a meeting.

4. The term of the Committee will normally be two years but Government may by express order, reconstitute it at an earlier date.

5. The functions of the Committee will be to advise the Minister-in-charge on general policy, matters and specific programmes. The meeting will also afford a forum for ventilating public grievances relating to the Town and Country Planning Department. In respect of any matter intended to be raised at a meeting of the Committee, due notice shall be given to the Secretary to Government, Haryana Town and Country planning Department, at least one month before the date of the said meeting.

6. The headquarters of the Committee will be at Chandigarh

7. The members of the Committee will draw Travelling Allowance as under:—

- (a) The legislators in their *ex-officio* capacity under the Punjab Legislative Assembly (Allowances of Members) Act, 1942, and Rules made thereunder, as in force at present or may be amended hereafter.
- (b) The non-official members (other than M.L.As) at one 1st Class Railway fare plus incidental allowances and road mileage as admissible to a 1st grade Government employee drawing a pay of Rs 1,000 and Rs 9.00, 11.25 and 13.50 in plains, Hills and Special Hill tracts as Daily Allowance. The other conditions laid down in the Punjab T.A. Rules for Government employees will also apply to journeys performed by non-official members except where otherwise provided.
- (c) The expenditure on account of T.A. Bills of the Members of the Legislatures (M.L.As) shall be debited against the budget allotment of the Director, Town and Country Planning, under the head "30-Public Health-A

(2)-Town and Country Planning". The Secretary, Haryana Vidhan Sabha shall be the controlling officer and authorised to countersign their T.A. Bills.

- (d) The Travelling Allowance for attending the meetings of the Committee shall be allowed to the members from their permanent place of residence to the place of the meeting. If, however, a member attends a meeting from a place other than the place of his permanent residence T.A. shall be allowed to him either from the place of his residence or from where he attends the meeting whichever is less.
- (e) The Director, Town and Country Planning Haryana, shall be the controlling officer authorised to countersign the Travelling Allowance Bills of the members other than M.L.As. The expenditure involved in connection with their travelling allowance and daily allowance shall be debitable to the head "30-Public Health-A(2)-Town and Country Planning".
- (f) The T.A. and D.A. will be admissible to the non-official members (other than M.L.As) on the production of a certificate to the effect that no T.A. in respect of the journey or D.A. for the period mentioned in the bill has been or will be claimed by him from any other official source.

ISHWER CHANDRA, Secy.

TECHNICAL EDUCATION DEPARTMENT

The 23rd October, 1967

No. 7262-PWIII(I)-67/24865.—On his first appointment Shri K. K. Narang assumed charge of the post of Lecturer in Electrical Engineering at Haryana Polytechnic, Nilokheri on 23rd September, 1967 (forenoon).

No. 7307-PWIII(I)-67/24880.—On first appointment Shri Hardev Singh Sarwara assumed charge as Lecturer in Electrical Engineering at Government Polytechnic, Ambala City with effect from 8th September, 1967 (forenoon).

The 25th October, 1967

No. 7340-PWIII(I)-67/25133.—On his first appointment Shri Narinder Mohan, assumed charge as Lecturer in Mechanical Engineering at Government Polytechnic, Sirsa on 4th October, 1967 (forenoon).

ISHWAR CHANDRA, Secy.

LABOUR DEPARTMENT

The 21st October, 1967

No. 10090-3Lab-67/31186.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, in respect of the dispute between the workmen and management of M/s Madhusudan Woollen and General Mills, Panipat.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 69 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S MADHUSUDAN WOOLLEN AND GENERAL MILLS, PANIPAT

Present :

Shri Raghubir Singh for the workmen.

AWARD

An Industrial Dispute having come into existence between the workmen and the management of M/s Madhusudan Woollen and General Mills, Panipat, the same was referred for adjudication to this Tribunal under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government Notification No. 290-SF-III-Lab-67/21662, dated 27th July, 1967. The only item of dispute as mentioned in the said notification is as under:—

“Whether the retrenchment/termination of the following workmen with effect from 7th January, 1967 from service is justified and in order? If not, to what relief, are they entitled?”

(1) Shri Sultan Singh, Spinner.

(2) Shri Eachhman Dass, Spinner.

(3) Shri Krishan Lal Sharma, Spinner.

(4) Shri Jagdish Lal, Spinner.

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims but the management did not file any written statement till 18th September, 1967 which was the date fixed for the said purpose. On request being made by the management an adjournment was granted to them for filing their written statement on payment of Rs 32 as costs to the opposite party. The case was fixed for 7th October, 1967 for further proceedings. On the latter date the management did not appear in spite of the fact that the case was called out thrice. The management did not even pay the costs of adjournment to the opposite party although they had sent the written statement by post.

According to law it was for the management to prove that the retrenchment/termination of the workmen mentioned in the reference was justified and in order. As the management did not appear and did not produce any evidence the said fact has not been proved. The only course left for me, therefore, is to record a finding that the retrenchment/termination of the concerned workmen was neither justified nor in order. In the circumstances the management is directed to re-instate the 4 workmen concerned whose names are mentioned in the reference. They will also pay half of the wages of each of them from the date when the services of each were terminated to the date when each of them is actually re-instated.

No order as to costs.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

Dated, the 16th October, 1967.

No. 1217, dated Chandigarh, the 16th October, 1967.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 10171-3Lab-67/31189.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana in respect of the dispute between the workmen and management of M/s National Industrial Corporation, Panipat.

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, CHANDIGARH.

Reference No. 53 of 1967

Between

The Workmen and the Management of M/s National Industrial Corporation,
Panipat.

Present:

Shri R.L. Gupta, for the management.

Shri Madhusudan Saran, for the workmen.

AWARD

The Wool Khadi Workers Union, Panipat, served a demand notice on the Manager National Industrial Corporation, Panipat, which is dated 26th November, 1967. Two demands are mentioned in the said notice in Urdu language. Demand No. 1 translated in English reads as under :—

“You have got orders for blankets, therefore, all the Khadi Workers should be reinstated with effect from 22nd November, 1966 after payment of wages to them from the date of termination of their services to the date of their reinstatement.”

Evidently the aforesaid demand means that the union treated the termination of services of the concerned workmen as unjustified and called upon the management to reinstate them and also to pay them wages by way of compensation for the days for which each of them had been out of service. The union thereafter held a meeting of their executive committee and passed a resolution espousing the cause of the workmen envisaged in the demand notice. It is important to note that the names of the said workmen were not mentioned in the demand notice nor were they mentioned in the proceedings of the executive committee. The conciliation proceedings having failed the Haryana Government made a reference to this Tribunal by means of their Notification No. 203-SF-III-Lab-67/13053, dated 19th May, 1967. In the said notification it is stated :—

“Whereas the Governor of Haryana is of opinion that an Industrial Dispute exists between the workmen and the management of M/s National Industrial Corporation, Panipat, regarding the matters hereinafter appearing..... The Governor of Haryana hereby refers to the Industrial Tribunal, Haryana, Chandigarh.....”
The two items of dispute which are mentioned in the said notification are in the following terms :—

(1) Whether the action of the management in not giving preference to the following workmen while making new recruitments was justified and in order? If not, to what relief are they entitled?

(1) Ajit Singh ; (2) Phool Singh ; (3) Hoshiar Singh ; (4) Jit Singh ;
(5) Chander Bhan ; (6) Des Raj ; (7) Hans Raj ; (8) Puran Singh ;
(9) Tilak Raj ; (10) Roshan Lal ; (11) Mangha Ram ; (12) Bakshish Ram.

(2) Whether the following workmen should be paid wages for the period from 1st August, 1966 to 26th August, 1966? If so, with what details?

(1) Lachhman Singh ; (2) Kashmiri Lal ; (3) Ram Lal ; (4) Amar Nath ;
(5) Atam Dev ; and (6) Prem Parkash.

On receipt of the said reference usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The demand covered by item No. 2 of the dispute was later withdrawn by the workmen and no adjudication of the same is, therefore, necessary. The management have taken several preliminary objections with regard to the reference of item No. 1 of the dispute. One of the objections is that the dispute of preference being given for re-employment to the 12 persons mentioned in the aforesaid item No. 1 of the dispute had never been raised by the union. No demand was made by the union that preference should have been given to the 12 persons mentioned in this item in the matter of re-employment by the management. Another objection raised is that no industrial dispute ever existed on this point. It is urged by the management that the dispute if any relating to the 12 persons in question was only an individual dispute of their's and that it had never been espoused by an appreciable number of the workmen of this concern and it had, therefore, never partaken the nature of an industrial dispute as envisaged by law. These preliminary objections form the subject-matter of issue Nos. 1, 2 and 3 and they have been tried as preliminary issues. Both parties have led their evidence in respect of the said issues and representatives of both the parties have addressed their arguments also to me in respect of the same. After giving my careful consideration to the matter I am definitely of the opinion that the reference is in consistent with the demand notice. In the demand notice no demand was ever made that the management should have given preference for re-employment to the 12 persons whose names are mentioned in item No. 1 of the reference. The

demand notice on the other hand assailed the termination of services of some of the workmen whose names even were not mentioned in the said notice. All that was demanded was that those workmen whose services had been terminated should be reinstated and should be paid wages for the period for which they had been illegally kept out of service. This demand has not been referred to me. The demand that has been referred relates to preferential re-employment of 12 workmen mentioned in item No. 1 of the dispute but no such dispute is proved to have existed at the time of the reference. Moreover, the dispute with regard to preferential re-employment of 12 persons would be an individual dispute of those persons unless it is espoused by an appreciable number of workmen of the concern in question. R. W. 2 Shri G. R. Khanna, Time-keeper of the National Industrial Corporation, has stated on oath that on 21st November, 1966 the total number of their workmen was 153 and on 19th May, 1967 the total number of their workmen was 99. It is stated by R. W. 1 Shri Om Parkash Vij, General Secretary of the Wool Khadi Workers Union, that only 12 workmen of this concern are their members and all the 12 are those whose names are mentioned in item No. 1 of the reference. He has further stated that at the time when the union made the demand 18 workmen of this concern were members of the said union. What is to be seen is whether on the date of the reference the individual dispute of the aforesaid 12 persons was being espoused by an appreciable number of the workmen of the concern in question. Evidently on that date no other workman excepting the 12 in question were members of the union. Moreover, the dispute sought to be espoused at that time related only to the reinstatement of the 12 workmen. There was no espousal of any dispute with regard to preferential re-employment of the 12 persons in question. In fact such a dispute was never raised and never existed. In the circumstances it must be held that there was no industrial dispute as envisaged by section 2(K) of the Industrial Disputes Act, 1947 and on this short ground the reference must be held to be invalid. If any dispute exists between the parties with regard to preferential re-employment of the 12 workmen mentioned in item No. 1 of the reference, there can be no bar to the workmen raising the said dispute in clear terms and seeking a fresh reference of the same. The present reference is obviously invalid and the demands covered by it are accordingly dismissed.

No order as to costs.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

Dated 17th October, 1967:

No. 1231, dated, Chandigarh, the 17th/19th October, 1967.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 10091-3Lab-67/31191.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, in respect of the dispute between the workmen and management of M/s Punjab Khadi Gram Udyog Sangh, Panipat :—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH

Reference No. 49 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF PUNJAB KHADI GRAM UDYOG
SANGH, PANIPAT

Present :

Shri R. L. Gupta, for the management.

Shri Madhusudan Saran, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of Punjab Khadi Gram Udyog Sangh, Panipat, over the matter mentioned below, the same was referred for adjudication to this Tribunal under clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government Notification No. 188-SF-III-Lab-67/11108, dated 2nd May, 1967 :—

“Whether the Khadi Workmen should be granted D. A. due to increase in the cost of living index ? If so, with what details and from which date ?”

Usual notices were issued to the parties and in response to the same the workmen filed their detailed statement of claims and the management filed their written statement to the same. Necessary issues were framed and parties were called upon to lead their evidence but before any evidence could be led by them an amicable settlement of the dispute was mutually arrived at between the parties. I recorded the statements of representatives of the parties on 7th October, 1967. Mr. Madhusudan Saran who was representing the workmen stated that the matter had been mutually settled and as a result of the same the demand in the present case was withdrawn by the workmen. The demand is accordingly dismissed as having been withdrawn.

No order as to costs.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

Dated the 16th October, 1967.

No. 1218, dated Chandigarh, the 16th October, 1967.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

The 25th October, 1967

No. 10269-3Lab-67/31452.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, in respect of the dispute between the workmen and management of M/s Tej Industries, Railway Road, Gurgaon.

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 52 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S TEJ INDUSTRIES, RAILWAY ROAD, GURGAON

Present.—

Shri S.N. Bhandari for the management.
Shri C.B. Kaushik for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Tej Industries, Railway Road, Gurgaon, the same was referred for adjudication to this Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government Notification No. 195-SF-III-Lab-67/11499, dated 26th April, 1967. The 3 items of dispute which are mentioned in the said notification are as under:—

- (1) Whether the workers are entitled to the grant of bonus for the year 1965-66 ? If so, what should be its quantum and the terms and conditions of its payment ?
- (2) Whether the management be required to re-employ the workers as shown in the list enclosed ? If so, with what details ?
- (3) Whether the termination of services of Shri Parhlad Rai Sharma is justified and in order ? If not, to what relief he is entitled ?

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. In their written statement they took six preliminary objections and the pleadings of the parties gave rise to the following five issues:—

- (1) Is the reference invalid for reasons stated in the preliminary objections from 1 to 6 in the written statement of the management ?
- (2) Were not the services of Parhlad Rai Sharma terminated by the management ? If so, is reference qua item No. 3 valid ?
- (3) Whether the workers are entitled to the grant of bonus for the year 1965-66 ? If so, what should be its quantum and the terms and conditions of its payment ?
- (4) Whether the management be required to re-employ the workers as shown in the list enclosed ? If so, with what details ?
- (5) Whether the termination of services of Parhlad Rai Sharma is justified and in order ? If not, to what relief he is entitled ?

Issues No. 1 and 2 were tried as preliminary issues and parties produced their evidence in respect of the same and also addressed their arguments to me. My findings on the said issues are as under:—

4 main points have been urged by the management which are (1) no demand had ever been made by the Engineering Mazdoor Union, Gurgaon, for bonus being paid for the year 1965-66 to all the workmen of the concern; (2) that the said union did not represent the workmen of the concern and none of their workmen was a member of the said union; (3) that the concern in question had been recently established and by reason of section 16 of the Payment of Bonus Act, 1965, it was not covered by the said Act; and (4) that the dispute relating to re-employment of certain workmen was not an industrial dispute and in any case the workmen had not specified the names of the workmen for whom they had raised the said dispute and the demand was, therefore, ambiguous.

I shall deal with the above points seriatim:

1. The demand notice of the union which is Ex-R-1 mentions only two demands which are quoted below:—

"(1) All the retrenched workmen and others removed from service should be paid bonus for the years 1964-65 and 1965-66."

"(2) All the retrenched workers be re-employed as new hands have been recruited and the department then closed is continuously functioning."

It is obvious from the language of the first demand that bonus was claimed by the union only for the retrenched workmen and others who were removed from service. No general demand for payment of bonus to all the workmen was ever made and no dispute with regard to the same, therefore, came into existence. Notification making the present reference does not mention that any dispute on this point was apprehended. Obviously the reference for payment of bonus to all the workmen of the concern could not have been made in absence of the existence of a dispute on this point.

2. This plea was never raised before the Conciliation Officer and seems to be an after-thought. The only evidence that the management has been able to produce on this point consists of one of their employees Shri P.N. Sahai whose statement on this point is too vague to be relied upon. He has stated "I do not know whether any workman of M/s Tej Industries, Gurgaon, is a member of the aforesaid trade union". In the next sentence he has stated "To my knowledge none of the workmen is a member of the said union". The evidence of Shri Parhlad Rai Sharma who has appeared as a witness on behalf of the workmen shows that some of the workmen of this concern are members of the union at whose instance the reference has been made. The evidence on the record is too vague to base a finding that the union in question could not raise the dispute in question more especially in view of the fact that this point was never raised in the conciliation proceedings where the letter of authority of the workmen must have presumably been filed.

3. In view of my finding that the union at whose instance the case has been referred never raised any dispute for payment of bonus to all the workmen in respect of the year 1965-66, it is not necessary to record any considered decision on this point. It is, however, fully proved in this case by the evidence of R.W. 1 that the concern in question went into production for the first time towards the end of 1962 and was taken over by the present management sometimes in the middle of 1964. By reason of section 16 of the Payment of Bonus Act, 1965, the said Act is inapplicable to the concern in question.

4. It is true that re-employment of retrenched persons is not separately mentioned as an item in either schedule 2 or in schedule 3 to the Industrial Disputes Act, 1947. This does not, however, mean that a dispute relating to re-employment of retrenched workers is not an industrial dispute, and is not capable of adjudication as such. Workmen who have been retrenched have got a legal right of re-employment whenever an opportunity arises for that and if this right is unreasonably or illegally denied to them, an industrial dispute can always be raised on the point. Unfortunately, however, the union did not in their demand notice mention the names of the workmen for whom they had demanded re-employment. The case of the management is that their names were not given even in the conciliation proceedings and that they have been given now by the union after the present reference had already been made to this Tribunal. The management have now placed a copy of the notice on the present record of this Tribunal by means of which they have called 10 workmen out of the aforesaid 11 and have offered them re-employment. This notice is EX-R-4 and the names of the 10 persons are mentioned in the list R-5. If the management unreasonably refuse to take these people or any of them in employment, those who are so refused will have the right to raise an industrial dispute and the said industrial dispute shall then be referable for industrial adjudication. Till the date of the demand notice giving rise to the present reference no occasion had arisen for re-employment of any of the retrenched workmen and the demand at that stage was rather premature. The notice of the management referred to above is dated 15th March, 1967, while the reference was made in February, 1967. Since in the demand notice the names of the workmen for whom re-employment was sought were not given, the said notice was ambiguous. The demand for re-employment fails on the ground of being premature and ambiguous.

With regard to the second issue regarding Shri Parhlad Rai Sharma, the case of the management is that Shri Parhlad Rai Sharma left the service of his own accord and the management neither terminated his services nor dismissed him from service. The plea of the workmen is that Shri Parhlad Rai Sharma was removed from service and did not leave of his own accord. Shri Parhlad Rai Sharma has appeared as a witness and has stated that he did not leave service of his own accord and was actually removed from service by the management. Shri P.N. Sahai R.W. 1 who has appeared for the management has supported the plea of the management. After giving my careful consideration to the evidence I am definitely of the opinion that Shri Parhlad Rai Sharma left service of his own accord and was never removed from service. I have no reason to disbelieve the statement of Shri P.N. Sahai on this point more especially when I find that this evidence is supported by documents EX-R-10 to R-13 which are the vouchers by means of which Shri Parhlad Rai Sharma settled his accounts with the concern.

For the reasons given above the demands of the workmen are dismissed.

No order as to costs.

K.L. GOSAIN,

Presiding Officer,

Dated the 21st October, 1967. Industrial Tribunal, Haryana, Chandigarh.

Endorsement No. 1242, dated Chandigarh, the 21st October, 1967.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K.L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana, Chandigarh

R. I. N. AHUJA, Secy.